Supreme Court, U.S.
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No. 98-1748

IN THE

Supreme Court of the United States

ELLIS W. LAY, individually and d/b/a WINTERGREEN NURSERIES, *et al.*,

Petitioners,

-and-

WARREN KOBATAKE, *et al.*,

Petitioners,

v.

E.I. DU PONT DE NEMOURS AND COMPANY, a Delaware Corporation; and ALSTON & BIRD, a Georgia Partnership, including Professional Corporations,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

RESPONDENTS' BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Where a petitioner, who was a plaintiff in a prior lawsuit in another district court, settled and released all claims and dismissed that lawsuit and then, without rescinding the settlement, brought a subsequent lawsuit claiming damages for settlement fraud in the district court below; where the district court below dismissed the second lawsuit as barred by the release contained in the settlement agreement; where the court of appeals affirmed the district court's rulings that the release covered petitioner's damages claims and that petitioner had not and could not rescind, in a ruling no longer contested by the petitioner; where the motion to dismiss and rulings below were based on the release and were not dependent on the order of dismissal in the petitioner's prior lawsuit; where the petitioner did not argue in the district court that Federal Rule of Civil Procedure 60(b) should prevent dismissal and did not identify Rule 60(b) as an issue for appeal to the circuit court; and where the district court in which the first lawsuit took place has resolved to its satisfaction all claims of fraud on the court in that litigation; is any genuine issue presented by the assertion that the petitioner has Rule 60(b) claims for unspecified equitable relief?

STATEMENT PURSUANT TO RULE 29.6

The Petition accurately lists the parties to the proceeding.

Respondent E.I. du Pont de Nemours and Company has no parent corporations and no publicly held company owns 10% or more of its stock.

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STATEMENT OF THE CASE

Respondents, E.I. du Pont de Nemours and Company ("DuPont") and Alston & Bird, submit that the Petition contains two material omissions:

(1) Petitioners do not disclose that the District Court for the Middle District of Georgia — the court on which the fraud complained of by Petitioners was allegedly perpetrated — (a) entered an order on December 31, 1998, resolving the claims of fraud on that court (Respondents' App. 1-7) and (ii) entered a subsequent order on January 15, 1999, specifically rejecting an untimely attempt by all but one of these same Petitioners to intervene in those proceedings to seek additional compensation for themselves based on "fraud on the court" claims (Respondents' App. 8-21);

(2) The Petition fails to disclose that the argument advanced in this Court was not made to the District Court and was made for the first time on appeal in a footnote in a reply brief. (Respondents' App. 22-45)

The details of these two ommissions, together with other aspects of the statement of the case that require correction or amplification, are described in chronological order below.

A. Petitioners' initial lawsuits and settlement agreements

In prior lawsuits, brought in 1992 and 1993 in the District Court for the Middle District of Georgia, Petitioners sued DuPont alleging products liability and fraudulent

concealment of defects in DuPont's Benlate fungicide. (*E.g.*, Respondents' App. 65-67; *see also* Petition at 3-4) The *Kobatake* Petitioners tried their cases in proceedings now known as "*Bush Ranch I.*" (Petition at 4) The *Lay* Petitioners were not parties to that trial but expected to try their claims in that same court thereafter. (*Id.*)

While the *Bush Ranch I* jury was deliberating in August 1993, on the advice and with the assistance of counsel, all Petitioners settled their lawsuits in exchange for a total of $9.2 million. Petitioners executed comprehensive general releases of DuPont and its attorneys and dismissed their claims with prejudice. (Petitioners' App. at 18-19; Petition at 4-5)

B. *Bush Ranch II* (Phase I)

The Petition describes in detail the first phase of *Bush Ranch II*, which was filed in that same court in the Middle District of Georgia on March 22, 1995 by the original *Bush Ranch I* plaintiffs other than the *Kobatake* Petitioners here,[1] seeking sanctions for a fraud on the court in the previously-settled *Bush Ranch I* proceedings. These proceedings became known as "*Bush Ranch II.*" The petitioners in *Bush Ranch II* sought sanctions but specifically requested that they be allowed to continue to rely on their settlement agreements and asserted that their purpose in bringing *Bush Ranch II* was not to reopen the *Bush Ranch I* litigation. (Respondents' App. at 9-11, 14)

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1. The *Lay* petitioners were not plaintiffs in *Bush Ranch I.* Nor were they petitioners in *Bush Ranch II.*

C. The lawsuits here on appeal

In late 1996, more than one and a half years after the commencement of *Bush Ranch II*, Petitioners filed the lawsuits involved in this appeal, seeking damages for "settlement fraud" based on allegations of misconduct in the *Bush Ranch I* trial. Petitioners filed these damages claims in the Northern District of Georgia and the District of Hawaii, courts which had no prior relationship to any aspect of the *Bush Ranch* litigation.[2] They elected to stand on their settlement agreements, to retain the millions of dollars received from those settlements and to sue Respondents again, seeking as additional compensation the difference between the settlement payments and the amounts they claim they would have received absent fraud. (Petitioners' App. 19, 28, 72-86; Petition at 7)

Neither of the complaints, in their prayers or anywhere else, asks that the judgments of dismissal be "set aside." One of the complaints is silent and the other alleges only that Petitioners should be "relieved from the judgments" in order to recover additional damages.[3] (Petitioners' App. 65-79) In contending that Petitioners sought to "set aside" the judgments below, Footnote 8 on Page 10 of the Petition is in error and without any record support.

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2. The Hawaii case was transferred to the Northern District of Georgia.

3. Prior to being amended, Paragraph 224 of this complaint said that "the dismissal with prejudice previously entered for each of the Plaintiffs' cases against DUPONT should be voided and nullified." (Petitioners' App. 68-69) However, the Amended Complaint eliminated that language in favor of the "relieved from the judgments" language, confirming that Petitioners were not seeking to have their judgments "set aside" as they currently contend.

Respondents' motions to dismiss Petitioners' second lawsuits were granted by the District Court for the Northern District of Georgia and affirmed by the Eleventh Circuit. The courts below ruled as follows under Georgia law, which expressly governed the releases: (a) A party who elects to affirm a settlement agreement is bound by all of its terms. (b) The broad terms of the release contracts executed by Petitioners discharged all of their claims for compensatory relief, including claims based on alleged settlement fraud. (c) Petitioners had waived their right to seek rescission of their settlements by failing to tender the settlement proceeds back to DuPont promptly on learning of the alleged fraud. (Petitioners' App. 1-30)

The Petition for Writ of Certiorari does not contest these state law rulings. Rather, Petitioners here assert that the 1993 dismissals of their underlying lawsuits in the Middle District of Georgia are infected by an alleged fraud on that court and that, their affirmed releases notwithstanding, they have a private cause of action in the Northern District of Georgia under Federal Rules of Civil Procedure 60(b) for a remedy they decline to specify.

Petitioners did not argue to the District Court that they had Rule 60(b) claims. The "Statement of Issues" in Petitioners' briefs in the Eleventh Circuit Court of Appeals did not include the "Question Presented" set forth in the Petition here. (Respondents' App. 27-28, 33, 40-41) Nor was that question argued in Petitioners' opening appellate briefs. (*Id.* at 24-26, 31-32, 36-39) The first whisper of this argument was in a footnote in a reply brief in the Court of Appeals. (*Id.* at 45)

On December 3, 1998, the Eleventh Circuit affirmed the District Court and adopted its opinion dismissing the cases and all damage claims therein. (Petitioners' App. 1-2) The Court of Appeals did not address the Rule 60(b) claims separately from Petitioners' other damage claims.

D. *Bush Ranch II* remand: The *Bush Ranch* court fully addressed the fraud allegedly perpetrated on that court, held that the court was vindicated as to any fraud upon it and specifically rejected Petitioners' attempts to seek compensation for alleged fraud on that court

As Petitioners detail, Judge Elliott imposed $115 million in punitive sanctions against DuPont. His order was reversed by the Eleventh Circuit on due process grounds and remanded to the Middle District, and the Eleventh Circuit required that a different judge preside on remand. (Petitioners' App. 1-16; Respondents' App. 62-63) Petitioners do not contest the ruling below that the Eleventh Circuit's reversal of Judge Elliott's Order "negates any conclusive effect that the district court's judgment may have had." (Petitioners' App. at 6)

The Petition completely fails to disclose the second phase of *Bush Ranch II*, after Judge Elliott's order was reversed and the case was remanded and re-assigned to Judge Hugh Lawson. Judge Lawson requested that the United States Attorney for the Middle District of Georgia investigate the matter on the Court's behalf. (Respondents' App. 12-13) During this investigation, the parties and the Court reached a civil settlement and effectuated it in an Order dated December 31, 1998. (Respondents' App. 1-7) The Order provided for DuPont to pay $11,000,000 to fund

legal educational programs and to pay the *Bush Ranch II* Petitioners their costs and attorneys' fees incurred in prosecuting the *Bush Ranch II* Petition and for Alston & Bird to contribute $250,000 to the Georgia Supreme Court Commission on Professionalism. (*Id.*)

On January 8, 1999, after Judge Lawson's order was entered and after the Eleventh Circuit had affirmed the dismissal of Petitioners' Northern District cases, Petitioners here (except for Warren Kobatake and his business) filed a motion in the Middle District to intervene in the *Bush Ranch II* proceedings, seeking to assert claims for compensatory damages for fraud allegedly perpetrated on that court in *Bush Ranch I*. (Respondents' App. 47-61) Judge Lawson denied the motion, finding that such compensatory claims were not a proper part of the *Bush Ranch II* fraud on the court proceeding, the stated and achieved purpose of which was to vindicate the interests of the district court. (Respondents' App. 8-21) Judge Lawson specifically rejected Petitioners' claims (the same ones at issue here) that they were entitled to monetary compensation for DuPont's alleged fraud on the court, noting that, "[h]ad the plaintiffs in *Bush Ranch I* desired to pursue claims against DuPont for their alleged injuries resulting from DuPont's handling of the discovery in this case, they had the option of rescinding the settlement contracts which they entered into with DuPont and suing for the alleged fraud," but did not do so. (Respondents' App. 8-21, 15 n.1)

Judge Lawson concluded that the interests of his Court were fully vindicated by the December 31, 1998 Order effectuating the civil settlement:

> The Court is satisfied that its authority has been vindicated by the payment of $11,000,000, which

> will be used to promote educational programs designed to foster professionalism and ethics in the practice of law. Petitioners' stated goals of calling the Court's attention to a potential fraud and protecting the integrity of the Court have been achieved.

Respondents' App. 16. *See also id.* ("The Court is satisfied that any such wrongs have been remedied.").

Petitioners did not appeal Judge Lawson's rejection of their intervention in *Bush Ranch II*, and that decision is final.

SUMMARY OF ARGUMENT

The holdings below do not implicate or impair the power of federal courts to vindicate fraud upon them. The opinion below says nothing suggesting otherwise. Moreover, the District Court for the Middle District of Georgia has already dealt with the claims of fraud on the court and declared itself "satisfied that its authority has been vindicated." (Respondents' App. 16)

The Court of Appeals considered Petitioners' asserted grounds for recovering additional compensation and found all of them barred by Petitioners' releases. No question of relieving Petitioners from their judgments under Federal Rule 60(b) is presented. Rule 60(b) is limited to relieving a party from a judgment or order and cannot be a basis for affirmative relief; and the only relief sought by Petitioners has been an affirmative award of damages.

Petitioners' proposal to create a new Rule 60(b) affirmative cause of action with an undefined remedy is not supported by any authority and makes no sense. This

Petition is simply an attempt to evade the uncontested holdings in the Middle District, the Northern District and the Eleventh Circuit that the release contracts bar Petitioners' damage claims.

The rule of law Petitioners would have this Court embrace is as follows: a plaintiff who has sued and settled, who has affirmed the settlement and refused to rescind the settlement, and who is barred by his release contract from pursuing a damages claim for alleged "settlement fraud," can nevertheless state a cause of action under federal law for unspecified equitable relief by claiming that the settlement was induced by fraud not on the court in which the claim is made, but on another court. This rule, as advocated by Petitioners, would require a different federal court to decide whether the settlement was in fact obtained by fraud on the first court and then, if so, to "rule on the precise forms or modalities of equitable relief available against fraudulently obtained federal judgments" (Petition at pp. 16-17).[4] And Petitioners urge this extraordinary result even where the allegedly defrauded court has already dealt with the allegations of fraud in a manner considered sufficient and complete by that court and rejected Petitioners' attempt to recover additional compensation.

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4. Petitioners assert that "this Petition does not raise the question of precisely what forms of relief are available through an independent action saved under Fed. R. Civ. P. 60(b)." (Petition at 10). Elsewhere they state: "Nor does this Petition require the Court to rule on the precise forms or modalities of equitable relief available against fraudulently obtained federal judgments." (Petition at 16-17). Instead, Petitioners suggest that, if this Court reverses the Eleventh Circuit, "these matters would be addressed on remand by the district court." (Petition at 17).

No decision from this Court is needed. No authority supports the rule Petitioners propound, a rule that would significantly impede settlements and create a broad basis for wasteful, duplicative litigation. District Courts have ample power to vindicate frauds upon them. The authorities recognized by and embodied in Rule 60(b) provide adequate protection to a litigant who seeks to set aside a judgment for fraud or who, in pursuing a viable cause of action, needs relief from a fraudulently-obtained judgment. The decision below does not compromise the power of the federal courts or any protection provided by the Federal Rules of Civil Procedure.

REASONS FOR DENYING THE WRIT

The Petition should not be granted because the holdings below do not implicate or impair the vindication of fraud on federal courts and because no proper question of a party being relieved from a judgment under Federal Rule 60(b) is presented. Petitioners raise these questions at this late stage only to attempt to evade the uncontested ruling below that Petitioners released all damages claims. The interests of the Middle District have been fully protected by that court.

A. The courts below only considered claims for damages and did not make any ruling barring relief from a judgment or affecting any federal court's power to address fraud on the court

Not a word in the opinion below (Petitioners' App. 1-16) suggests that a party cannot seek to be relieved from a fraudulently obtained judgment, if pertinent to anything prayed for in the party's complaint. No one argued to the

District Court that the consent judgments in the settled cases had any bearing on the crucial question presented of whether Petitioners' comprehensive release contracts barred their damage lawsuits. As shown in the next section, the cases turned not on whether the plaintiffs were entitled to relief from those judgments, but on the separate, independent issue of the enforcement of the comprehensive release agreements.

Similarly, the opinion below does not affect a court's ability to vindicate fraud on the court. The opinion does not suggest that releases could or did restrict a court's ability to deal with such alleged fraud. The dismissal of Petitioners' lawsuits in no way diminished any federal court's right or power to protect its interests.

Whether a court can protect itself from fraud is an issue entirely separate from whether Petitioners can or need to obtain relief from a judgment. Not only are the two issues theoretically distinct; in this case, the course of events has confirmed the ability of the court allegedly defrauded to protect its interests, unaffected by the dismissal of Petitioners' claims (or their release agreements). The Middle District Court instituted proceedings and addressed the alleged fraud to its full satisfaction.

If Petitioners were truly seeking to protect the Middle District of Georgia, this case would be a strange way to do it: Petitioners would be asking the Supreme Court to require the Northern District of Georgia to vindicate a fraud allegedly perpetrated on the Middle District of Georgia, when Judge Lawson has declared the Middle District's interests fully satisfied. Moreover, Petitioners ask that the

Northern District of Georgia award them compensation for such claims when the Middle District of Georgia itself has already rejected such compensatory claims as an appropriate way to address the conduct that occurred in that court.

According to Petitioners, the Eleventh Circuit's opinion means that "any time a party enters into a general release, application of substantive state contract law could deprive that party of any claim for fraud on the court," and that "a litigant could bribe a judge, and [somehow] thereby obtain a settlement . . . and, thereafter, be insulated from civil liability for his illegal and fraudulent acts." (Petition at 12) This hyperbole ignores the fact that, in a proper case, a court can vindicate fraud upon it, regardless of releases, and also ignores the critical point that Petitioners could have rescinded and thereby avoided their release contracts, but did not do so. It was not the execution of the general releases that finally deprived Petitioners of a claim for compensation; it was Petitioners' failure to exercise the recognized rescission remedy for avoiding the preclusive effect of such a release. The ills Petitioners posit relate to Petitioners' contention that they should recover more compensation, not to vindication of fraud on a court or relief from any judgment.

B. Petitioners' release of all claims moots any issue of relief from prior judgments

The "Question Presented" posed by Petitioners is premised on the fallacy that this case proceeded below as an independent action seeking equitable relief from a federal judgment. The prayers of the complaints request no such relief. Instead, they seek damages, interest, costs, and

attorneys' fees. (Petitioners' App. 78,85)[5] The complaints also pray for "[e]quitable relief estopping DUPONT from asserting the releases and order procured by the fraud" as defenses to the damage claims. (*Id.* 78 ¶4, 85 ¶e)[6]

The "order procured by the fraud" referenced in the complaints is the dismissal with prejudice of each Petitioner's prior lawsuit against DuPont. In this case, however, the effect of the dismissal orders is not in issue. Respondents did not assert those orders as the basis for the motion to dismiss. The District Court's decision to dismiss Petitioners' claims for damages, as affirmed by the Eleventh Circuit and not contested here, is premised on the release contracts, not on the dismissal orders.

Respondents' affirmative defense of "release" is a bar to Petitioners' claims separate and independent of the dismissal orders. The decisions below are not based on any "res judicata" defense the underlying dismissals with prejudice might provide. Petitioners' underlying claims would have been barred by their releases even if the dismissals had been *without* prejudice.

Thus, the Eleventh Circuit's uncontested holding under Georgia law that Petitioners' release contracts discharged their claims for damages disposes of and moots any need to

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5. In one complaint, there is also a conclusory and non-specific prayer for "injunctive relief." (Petitioner's App. 78 ¶5) This prayer was not argued below and is not argued here.

6. The District Court's refusal to estop DuPont from asserting the *releases* and the Eleventh Circuit's affirmance of that decision are not contested by or the subject of the Petition.

decide whether Petitioners could in appropriate circumstances have obtained relief from the dismissal orders. This mooted and undecided issue is the *only* issue pertinent to Federal Rule of Civil Procedure 60(b) even suggested by the complaints or the briefing below. However, even if Petitioners had been "relieved from the judgments" in order to pursue claims for additional damages, Petitioners claims were extinguished by the binding and preclusive effect of their release contracts.

C. Rule 60(b) is limited to obtaining relief from judgments and does not authorize affirmative relief

Rule 60(b) preserves the power of a federal court "to entertain an independent action to relieve a party from a judgment, order, or proceeding . . . or to set aside a judgment for fraud upon the court." Fed. R. Civ. P. 60(b). This "independent action" is not an action for damages or unspecified equitable relief. It is an action to vacate, overturn, set aside, or otherwise avoid a judgment, order or proceeding of a federal court.

That Rule 60(b) does not authorize affirmative relief is well-settled. For example, the Fifth Circuit held in *United States v. One 1961 Red Chevrolet Impala Sedan, Serial No. 11837A177369*, 457 F.2d 1353, 1355 (5th Cir. 1972), that "the only relief that [can] be granted under Rule 60(b) [i]s the setting aside of the judgment." The Eighth Circuit in *Adduono v. World Hockey Ass'n*, 824 F.2d 617, 620 (8th Cir. 1987), and the Eleventh Circuit in *United States v. One Hundred Nineteen Thousand Nine Hundred Eighty Dollars ($119,980.00)*, 680 F.2d 106, 107 (11th Cir. 1982), each held: "Rule 60(b) is available . . . only to set aside the prior order or judgment. It cannot be used to impose additional

relief." *See also* 12 J. Moore, Moore's Federal Practice § 60.25 (3d ed. 1999) ("Rule 60(b) is available only to set aside a prior order or judgment; a court may not use Rule 60 to grant affirmative relief in addition to the relief contained in the prior order or judgment.")

No case cited by Petitioners allows compensatory damages for fraud on the court pursuant to any independent action preserved under Federal Rule of Civil Procedure 60(b). *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), involved the power of a Court of Appeals to *vacate* its own judgment and direct the *vacation* of a district court decree after that appellate court's term had expired. *Id.* at 239. No affirmative or compensatory relief was sought or granted in *Hazel-Atlas*.

Similarly, *United States v. Beggerly*, 524 U.S. 38, 118 S. Ct. 1862 (1998), cited by Petitioners, confirms that neither Rule 60 nor an independent action to relieve a party from a judgment provides any substantive right to affirmative relief. *Beggerly*, in addition to holding that allegations of non-disclosure of evidence did not justify re-opening a prior federal judgment, shows that, if a court is to grant any relief in an independent action other than "merely reopen the . . . litigation," then such other relief must be based on some substantive source of rights and not be subject to any substantive bar. 118 S. Ct. at 1868. In *Beggerly*, the substantive source of rights was the federal Quiet Title Act ("QTA"). Relief under the QTA was barred by the QTA's statute of limitations, which could not be equitably tolled. *Id.* Thus, the source of substantive rights in issue in *Beggerly* was *not* Federal Rule of Civil Procedure 60(b) and was *not* an independent action preserved by Rule 60(b); it was the QTA.

Here, Petitioners' substantive rights to sue for damages for settlement fraud are barred by their releases according to the uncontested ruling of the Eleventh Circuit. Therefore, as in *Beggerly*, granting relief to Petitioners on their released fraud claims would have been an error; and, given that, any issues regarding reopening the dismissals were moot and immaterial.

The Advisory Committee Notes to the 1946 Amendment to Rule 60(b) make it clear "that Rule 60(b) does not assume to define the substantive law as to the grounds for vacating judgments, but merely prescribes the practice in proceedings to obtain relief." Federal Rule of Civil Procedure 60(b) does not provide any substantive rights or an independent cause of action to Petitioners.

If a fraudulently-procured judgment stands in the way of a party asserting or defending against an otherwise viable substantive claim, then Rule 60(b) can provide a procedural mechanism for obtaining relief from that judgment. The *Hazel-Atlas* case is an example of that mechanism at work. If a party seeks to set aside a fraudulently-obtained judgment, Rule 60(b) provides the procedure for that, but not any substantive cause of action for affirmative relief.

Thus, contrary to Petitioners' assertion that the Petition should be granted because it "raises a significant issue concerning the application of the Federal Rules of Civil Procedure" (Petition at 8), this case actually involves no application of the Federal Rules of Civil Procedure at all. A claim for damages cannot be based on Rule 60(b). The holding below is that Petitioners are barred by their releases from recovering damages. There is no "direct collision" between federal and state law, and the cases cited on Page

14 of the Petition are thus inapplicable; the decision below deals with a release of damages claims and the failure to seek rescission of that release, not with a release of any right to set aside a judgment. Similarly, the cases cited on Pages 13-14 of the Petition for the proposition that federal law, not state law, governs claims to set aside or vacate federal judgments are irrelevant. Petitioners did not seek in the courts below to set aside any judgments, and any issues concerning being relieved from a judgment were rendered irrelevant and moot by the determinations that the affirmed release contracts barred Petitioners' damage claims, regardless of whether any judgments were in place.

Neither Rule 60(b) nor the judgments dismissing Petitioners prior suits with prejudice are relevant to this appeal. The decisions below are based solely on Petitioners' affirmed release contracts.

CONCLUSION

The Petition's asserted reason for asking this Court to grant a writ of certiorari is that the opinions below threaten "a federal court's inherent right to protect itself and its litigants from fraud." (Petition at 8) No such right is involved here, for two reasons. First, no one contends and no court below found that Petitioners' release contracts or judgments of dismissal can preclude any court's right and inherent authority to protect itself from fraud and to sanction fraud, and neither the releases nor the dismissals at issue have in fact had any such effect. Second, as a matter of well-settled Georgia law, Petitioners' damages claims for alleged fraud are barred by their release contracts under the unchallenged holdings of the District Court and Court of Appeals, and Petitioners' effort to evade this dispositive state law issue does not present any federal question for this Court to review.

The "Question Presented" asserted here by Petitioners was not presented to the District Court or specified by Petitioners as an issue in the Court of Appeals. Petitioners' "Question Presented," about whether unspecified equitable relief from a judgment can be barred by a release, is not an issue in this case, because their complaints do not seek any remedy that could be effectuated by such relief, and because the lower courts did not make any rulings about whether relief from a judgment was or could be released.

The Petition attempts to create a federal substantive cause of action for compensation out of Federal Rule of Civil Procedure 60(b). However, the authorities are in accord that affirmative relief cannot be granted under Rule 60(b). This not a case in which it is feasible, appropriate or necessary for this Court to review that law or any other issue.

Respectfully submitted,

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